

James P. Watson, (SBN 046127)  
Bruce K. Leigh (SBN 129753)  
Anne Bevington (SBN 111320)  
STANTON, KAY & WATSON, LLP  
101 New Montgomery, Fifth Floor  
San Francisco, CA 94105  
Telephone: (415) 512-3501  
Facsimile: (415) 512-3515  
E-Mail: jamesw@skwsf.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDWARD T. BERGO as CHAIRMAN and KARL  
BIK as CO-CHAIRMAN of the BOARD OF  
TRUSTEES FOR THE CEMENT MASONS  
HEALTH AND WELFARE TRUST FUND FOR  
NORTHERN CALIFORNIA; CEMENT MASONS  
VACATION/HOLIDAY TRUST FUND FOR  
NORTHERN CALIFORNIA; CEMENT MASONS  
PENSION TRUST FUND FOR NORTHERN  
CALIFORNIA; and CEMENT MASONS  
APPRENTICESHIP AND TRAINING TRUST  
FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

NEWCON CONCRETE CONSTRUCTION, INC.,  
a California corporation; and MICHAEL HANSEN,  
an Individual,

Defendants.

Case No.: C-05-5425 CRB

**PLAINTIFFS' STATEMENT IN LIEU  
OF CASE MANAGEMENT  
CONFERENCE STATEMENT;  
(PROPOSED) CASE MANAGEMENT  
ORDER**

**DATE: April 28, 2006**

**TIME: 8:30 a.m.**

**COURTROOM: 8**

**JUDGE: Hon. Charles R. Breyer**

Plaintiffs submit this statement in lieu of the Case Management Conference Statement and, because of the status of the case as set forth below, request that the Case Management Conference either be vacated or be continued for a period of 90 days.

The Complaint was filed against defendants Newcon Concrete Construction, Inc. and Michael Hansen. Both defendants were served on January 24, 2006. Defendant Hansen brought a motion to dismiss. By Order of Dismissal entered on March 17, 2006, the Court granted Mr. Hansen's motion, with leave to amend. Plaintiffs chose not to file an amended complaint against Mr. Hansen, the time

to amend has expired, and Mr. Hansen has submitted a proposed form of Judgment to be issued by the Court.

Defendant Newcon Concrete Construction, Inc. did not file a responsive pleading, and default was entered against it on March 15, 2006. Plaintiffs will file a Motion for Default Judgment as to Newcon, which will be set for hearing on June 9, 2006, or shortly thereafter.

In light of the status of the case, plaintiffs request that the Case Management Conference either be vacated or be continued for a period of 90 days.

DATED: April 21, 2006

STANTON, KAY & WATSON, LLP

By Anne Bevington  
Anne Bevington

Attorneys for Plaintiffs

**CASE MANAGEMENT ORDER**

The Case Management Conference previously set for April 28, 2006, at 8:30 a.m., is hereby:

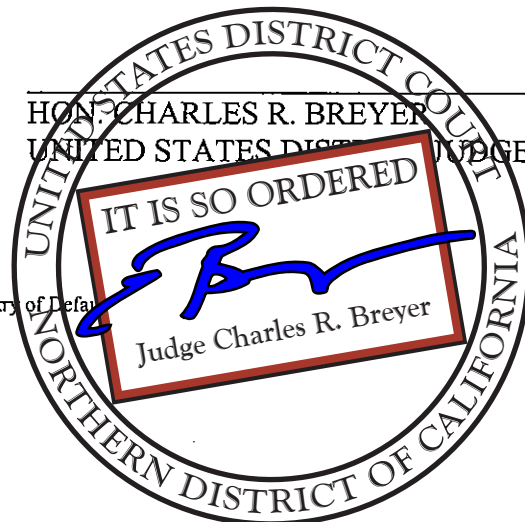
☐ Vacated.

☒ Continued to July 07, 2006, at the hour of 8:30, in

Courtroom 8, 19<sup>th</sup> Floor (San Francisco).

DATED: April 24, 2006

HON. CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE



F:\CASES\8000\8000.202 Newcon Concrete\PLEADINGS\Request for Entry of Defa